

HOWARD A. SLAVITT (State Bar # 172840)  
COBLENTZ, PATCH, DUFFY & BASS, LLP  
One Ferry Building, Suite 200  
San Francisco, CA 94111-4213  
Telephone: (415) 391-4800  
Facsimile: (415) 989-1663  
E-mail: has@cpdb.com

MICHAEL A. ALBERT (admitted *pro hac vice*)  
MICHAEL N. RADER (admitted *pro hac vice*)  
CHARLES T. STEENBURG (admitted *pro hac vice*)  
WOLF, GREENFIELD & SACKS, P.C.  
600 Atlantic Avenue  
Boston, MA 02210-2206  
Telephone: (617) 646-8000  
Facsimile: (617) 646-8646  
E-mail: malbert@wolfgreenfield.com  
mrader@wolfgreenfield.com  
csteenburt@wolfgreenfield.com

Attorneys for Defendant biolitec, Inc.

[Other counsel of record listed on last page]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

VNUS MEDICAL TECHNOLOGIES,  
INC.,

Plaintiff,

vs.

BIOLITEC, INC., DORNIER MEDTECH  
AMERICA, INC., and NEW STAR  
LASERS, INC. d/b/a COOLTOUCH, INC.,

Defendants.

Case No. C08-03129 MMC

**STIPULATED REQUEST AND  
[PROPOSED] ORDER PURSUANT TO  
L.R. 6-2 TO CHANGE DATE OF CLAIM  
CONSTRUCTION HEARING**

AND ORDER THEREON

VNUS MEDICAL TECHNOLOGIES,  
INC.,

Plaintiff,

vs.

TOTAL VEIN SOLUTIONS, LLC. d/b/a  
TOTAL VEIN SYSTEMS,

Defendants.

Case No. C08-04234 MMC  
(consolidated with Case No. C08-03129 MMC)

1 WHEREAS a claim construction hearing and technology tutorial are currently scheduled  
2 in this matter for August 17, 2009;

3 WHEREAS the accompanying declaration of Michael N. Rader, lead counsel for  
4 Defendant biolitec, explains why Mr. Rader will be unable, for medical reasons, to travel to San  
5 Francisco for the claim construction hearing and technology tutorial as currently scheduled;

6 WHEREAS Defendants' counsel had planned for Mr. Rader to assume primary  
7 responsibility for argument at the claim construction hearing; and  
8

9 WHEREAS Plaintiff and Defendants have mutually agreed to reschedule the claim  
10 construction hearing and technology tutorial for September 14, 2009, subject to the Court's  
11 availability;

12 NOW, THEREFORE, it is stipulated and agreed by the respective parties by and through  
13 their counsel of record that:

14 The claim construction hearing and technology tutorial shall be rescheduled from August  
15 17, 2009 to September 14, 2009, subject to the Court's availability.  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

COBLENTZ, PATCH, DUFFY & BASS, LLP  
One Ferry Building, Suite 200, San Francisco, Ca 94111-4213  
(415) 391-4800 • fax (415) 989-1663

COBLENTZ, PATCH, DUFFY & BASS, LLP  
One Ferry Building, Suite 200, San Francisco, CA 94111-4213  
(415) 391-4800 • fax (415) 989-1663

Dated: August 5, 2009

WOLF, GREENFIELD & SACKS, P.C.

/s/ Michael N. Rader

Michael N. Rader (*admitted pro hac vice*)  
Charles T. Steenburg (*admitted pro hac vice*)  
600 Atlantic Avenue  
Boston, MA 02210  
Tel: (617) 646-8000  
Fax: (617) 646-8646  
mrader@wolfgreenfield.com  
csteenburg@wolfgreenfield.com

Attorneys for Defendant biolitec, Inc.

KING & SPALDING LLP

/s/ A. Shane Nichols

A. Shane Nichols (*admitted pro hac vice*)  
Richard W. Miller (*admitted pro hac vice*)  
1180 Peachtree Street N.E.  
Atlanta, GA 30309-3521  
Tel: (404) 572-4600  
Fax: (404) 572-5100  
snichols@kslaw.com  
rmiller@kslaw.com

Attorneys for Defendant  
Dornier MedTech America, Inc.

ORRICK, HERRINGTON & SUTCLIFFE LLP

/s/ James W. Geriak

James W. Geriak (Bar No. 32871)  
Allan W. Jansen (Bar No. 81992)  
4 Park Plaza, Suite 1600  
Irvine, CA 92614-2558  
Tel: (949) 567-6700  
Fax: (949) 567-6710  
jgeriak@orrick.com  
ajansen@orrick.com

Attorneys for Defendant  
New Star Lasers, Inc. d/b/a CoolTouch, Inc.

COBLENTZ, PATCH, DUFFY & BASS, LLP  
One Ferry Building, Suite 200, San Francisco, CA 94111-4213  
(415) 391-4800 • fax (415) 989-1663

BUCHE & ASSOCIATES, P.C.

/s/ John Karl Buche

John Karl Buche (Bar No. 239477)

Sean M. Sullivan (Bar No. 254372)

875 Prospect, Suite 305

La Jolla, CA 92037

Tel: (858) 812-2840

Fax: (858) 459-9120

jbuche@westerniplaw.com

sean@westerniplaw.com

Attorneys for Defendant

Total Vein Solutions, LLC d/b/a Total Vein Systems

DAVIS POLK & WARDWELL LLP

/s/ Matthew B. Lehr

Matthew B. Lehr

Suong T. Nguyen

1600 El Camino Real

Menlo Park, CA 94025

Tel: (650) 752-2000

Fax: (650) 752-2111

matthew.lehr@davispolk.com

suong.nguyen@davispolk.com

Attorneys for Plaintiff

VNUS Medical Technologies, Inc.

I hereby attest that I have on file written (or e-mail) permission to sign this stipulation from all parties whose signatures are indicated by a "confirmed" signature (/s/) within this e-filed document.

Dated: August 5, 2009

/s/ Michael N. Rader

Michael N. Rader

~~PROPOSED~~ ORDER

The Court, having considered the above stipulation of Plaintiff VNUS Medical Technologies, Inc. and Defendants biolitec, Inc.; Dornier MedTech America, Inc.; New Star Lasers, Inc. d/b/a Cooltouch, Inc.; and Total Vein Solutions, LLC d/b/a Total Vein Systems, and good cause appearing, hereby ORDERS that the technology tutorial and claim construction hearing currently scheduled for August 17, 2009 is rescheduled for September 14, 2009.

IT IS SO ORDERED.

Dated: August 5, 2009

  
HON. MAXINE M. CHESNEY, U.S.D.

COBLENTZ, PATCH, DUFFY & BASS, LLP  
One Ferry Building, Suite 200, San Francisco, CA 94111-4213  
(415) 391-4800 • fax (415) 989-1663